

07-09-01

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07/06/01

J1041 U.S. PTO

UTILITY PATENT APPLICATION TRANSMITTAL
(only for continuation and divisional
applications under 37 CFR 1.53(b))

Docket No.: P-IX 4102

Prior Application Info:

Examiner: P. Gambel

Group/Art Unit: 1644

J1000 U.S. PTO

09/00590

07/06/01

Address to: COMMISSIONER FOR PATENTS
Box Patent Application
Washington, D.C. 20231



23601

PATENT TRADEMARK OFFICE

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20231.

Karly Tambara

Printed Name of Person Mailing Paper or Fee

Kauley Kail

Signature of Person Mailing Paper or Fee

This is a request for filing a
 X continuation divisional

application under 37 CFR 1.53(b), of pending prior application
serial no. 09/016,061, filed January 30, 1998 (list only
immediate prior application).

Title: ANTI- $\alpha_v\beta_3$ RECOMBINANT HUMAN ANTIBODIES, NUCLEIC ACIDS
ENCODING SAME AND METHODS OF USE

Inventor(s) (full name of each inventor): William D. Huse and
Scott M. Glaser

No abandonment of, or termination of proceedings, has occurred in
the above-identified prior application.

1. X An application based on the prior application as filed
and containing no new matter is enclosed, consisting
of:
 1 page application cover sheet
116 pages of specification (includes claims and
abstract)
13 sheets of drawing(s).
2. X 3 pages of a copy of the oath or declaration and
power of attorney as originally filed on
July 2, 1998, in prior application (37 CFR
1.63(d)), U.S. serial no. 09/016,061, filed
January 30, 1998, is enclosed.
3. X A signed statement DELETING Scott M. Glaser named in
the prior application (37 CFR 1.63(d)(2) and 1.33(b))
is attached.
4. X Nucleotide and/or Amino Acid Sequence Submission is
enclosed:
 computer readable copy of sequence listing
 X A copy of the paper copy of sequence listing,
pages 101 through 130, as previously filed on
July 2, 1998, in prior application U.S. serial no.
09/016,061, filed January 30, 1998
 Sequence Statement

Inventors: Huse and Glaser
Docket No.: P-IX 4102
Page 2

☒ Request to Use Computer Readable Form of Sequence
Listing From Another Application
☐ Other:

5. ☒ Incorporation by Reference: The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under item no. 2 of this form, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference herein.
6. ☐ Enter the unentered amendment previously filed on _____ under 37 CFR 1.116 in the prior application.
7. ☒ A preliminary amendment is enclosed.
8. Small entity status:
a. ☐ A small entity statement is enclosed.
b. ☒ A small entity statement was filed in prior application serial no. 09/016,061, and such status is still proper and desired.
c. ☐ is no longer claimed.
9. ☒ Amend the specification by:
☐ inserting before the first paragraph on page 1: or
☒ deleting the paragraph on page 1 regarding related applications and inserting therefor:
- This application is a continuation of application serial no. 09/016,061, filed January 30, 1998.
10. ☒ Cancel in this application original claims 2 through 79 of the prior application before calculating the filing fee. (At least one original independent claims must be retained for filing purposes.)
11. The prior application is assigned of record to IXSYS, INCORPORATED.
12. The power of attorney in the prior application is to
Cathryn Campbell
CAMPBELL & FLORES LLP
4370 La Jolla Village Drive, 7th Floor
San Diego, California 92122
13. ☐ A copy of a change in power of attorney or authorization of agent as filed in the prior application (37 CFR 1.63(d)(4)) is enclosed.
14. ☒ A return receipt postcard is enclosed.
15. ☒ A Patent Application Bibliographic Data Sheet is enclosed.
16. ☐ Request for Nonpublication and Certification is enclosed.
17. Also enclosed:

090059-09504
105020-050066

Inventors: Huse and Glaser
Docket No.: P-IX 4102
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The filing fee is calculated below:

	NUMBER FILED		NUMBER EXTRA		RATE	FEE
TOTAL CLAIMS	13-20	=	0	x	\$9 \$18	\$0
INDEPENDENT CLAIMS	2 - 3	=	0	x	\$40 \$80	\$0
MULTIPLE DEPENDENT CLAIMS _____ YES _____ X NO					\$135 \$270	\$0
BASIC FEE					\$355 \$710	\$355
TOTAL FEE						\$355

18. X A check in the amount of \$355.00 is enclosed. A duplicate copy of this sheet is enclosed.
19. _____ The filing fee is not enclosed. Do not charge our deposit account.
20. X The Commissioner is hereby authorized to charge fees under 37 CFR 1.16 and 1.17 which may be required or credit any overpayment to Deposit Account No. 03-0370. A duplicate copy of this sheet is enclosed.

Address all future communications to:

Cathryn Campbell
CAMPBELL & FLORES LLP
4370 La Jolla Village Drive, 7th Floor
San Diego, California 92122
telephone: (858) 535-9001
facsimile: (858) 535-8949
USPTO CUSTOMER NO. 23601

Respectfully submitted,

Date: July 6, 2001

David A. Gay
David A. Gay
Registration No. 39,200
Attorney for Applicant
CAMPBELL & FLORES LLP
4370 La Jolla Village Drive
7th Floor
San Diego, California 92122

_____ inventor(s) X attorney or agent of record
_____ assignee of complete interest _____ filed under Sec. 1.34(a)

PATENT
Our Docket: P-IX 4102

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:) Group Art Unit: Not yet assigned
Huse and Glaser)
) Examiner: Not yet assigned
Serial No.: Herewith)
)
Filed: Herewith) CERTIFICATE OF MAILING BY "EXPRESS MAIL"
) "EXPRESS MAIL" MAILING LABEL NUMBER: EL 857041097 US
)
For: ANTI- $\alpha_v\beta_3$ RECOMBINANT) DATE OF DEPOSIT: July 6, 2001
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) BOX PATENT APPLICATION, WASHINGTON, D.C. 20231.

Commissioner for Patents
Box Patent Application
Washington, D.C. 20231

Karly Tambara
Printed Name of Person Mailing Paper or Fee
Karly Tambara
Signature of Person Mailing Paper or Fee

Sir:

**REQUEST TO USE COMPUTER READABLE FORM OF SEQUENCE LISTING
FROM ANOTHER APPLICATION**

The paper copy of the Sequence Listing in the above-referenced application is identical to the computer readable copy of the Sequence Listing filed in Application Number 09/016,061, filed January 30, 1998. In accordance with 37 CFR § 1.821(e), please use the last-filed computer readable form filed in the previously filed application as the computer readable form for the above referenced application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the computer readable form that will be used for the instant application. A copy of the paper copy of the Sequence Listing was filed in prior application, U.S. Serial Number 09/016,061, under 37 CFR § 1.821 in accordance with paragraphs (f) and (g). Additionally, a paper copy is submitted herewith. The paper copy submitted herewith is identical to the paper and computer readable copies of the Sequence Listing previously submitted in the prior application, U.S. Serial Number 09/016,061.

Inventors: Huse and Glaser
Serial No.: Herewith
Filed: Herewith
Page 2

Respectfully submitted,

July 6, 2001

Date

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TELEPHONE 619 535 9001

PATENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Serial No.: Herewith) Examiner: Not yet assigned
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ATTN: Box Patent Application) ATTN: BOX PATENT APPLICATION, WASHINGTON, D.C. 20231.
Commissioner for Patents
Washington, D.C. 20231

Karly Tambara

(TYPED OR PRINTED NAME OR PERSON MAILING PAPER OR FEE)

Karly Tambara

(SIGNATURE OF PERSON MAILING PAPER OR FEE)

Sir:

STATEMENT DELETING INVENTORS NAMED IN THE PRIOR APPLICATION

The above-identified application is a continuation of application Serial No. 09/016,061, filed January 30, 1998, naming as inventors William D. Huse and Scott M. Glaser. Pursuant to 37 C.F.R. § 1.63(d)(1)(iv), a copy of the executed Declaration filed in the prior application and signed by each of the above inventors is submitted herewith for the continuation application.

Upon cancellation of claims 2-79, as requested in the accompanying transmittal letter, and addition of claims 80-92 and cancellation of claim 1, as requested in the accompanying Preliminary Amendment, claims 80-92 are pending. William D. Huse, who is one of the inventors of the prior application, is the sole inventor of the subject matter of pending claims 80-92. Accordingly, it is respectfully requested that Scott M. Glaser, who did not make an inventive contribution to pending claims

[illegible]

Respectfully submitted,

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